FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.39 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. Milind Deshmukh for the Applicants.
Mr.B.R.Patil for the Complainant.
Mr.A.S.Shitole, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 31/1/2006.

P.C.

1. This revision impugns an order dated 6.12.2005 passed by the II Adhoc Addl.Sessions Judge, Baramati rejecting an application for alteration of charge under Section 216 of the Cr.P.C. though the charge has not been framed by the court on the date of the application. The applicants had contended that there was no evidence to frame a charge under Section 307 of the I.P.C. as all the 15 injuries said to have been suffered were simple injuries. In my view, admittedly the

charge has not been framed. Even assuming that the charge is framed under Section 307 of the I.P.C. on the basis of the Doctor’s evidence and other witnesses, the conviction can be of lessor offence. In the circumstances, no case is made out for interference in the impugned order. Hence, revision application is rejected. I am informed that the application for discharge is separately made. It is made clear that the observations made in this order are restricted only for the purpose of deciding this revision application.

(R. S. MOHITE, J.)